

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

7 WEST 21 LI LLC,

Plaintiff,

-against-

CLEMENT MOSSERI,

Defendant.

1:22-CV-9506 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated November 14, 2022, the Court directed Defendant, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP”) or pay the \$402 in fees required to proceed with a civil action in this court. That order specified that failure to comply would result in this action being remanded to state court. Defendant appealed. In a mandate dated March 1, 2023, and issued on March 22, 2023, the United States Court of Appeals for the Second Circuit dismissed Defendant’s appeal. *7 West 21 LI LLC v. Mosseri*, No. 22-3014 (2d Cir. Mar. 1, 2023). Defendant has not filed an IFP application or paid the fees. Accordingly, the Court remands this action to the Civil Court of the City of New York, County of New York, Housing Part. *See* 28 U.S.C. §§ 1914, 1915. The Court denies any pending motions to remand this action as moot. (ECF 6 & 7.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to mail a copy of this order to the Clerk of the Civil Court of the City of New York, County of New York, Housing Part at 111 Centre Street, New York, New York 10013.

SO ORDERED.

Dated: April 25, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge